

A.G.Contract No. KR-88-1728-TRD
ECS File: JPA 88-47
Project: F-031-1-519
Section: Linda Vista Rd. -
Desert Sky Rd. (U.S. 89)

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA
AND
THE TOWN OF ORO VALLEY

THIS AGREEMENT is entered into August 18, 1989,
pursuant to Arizona Revised Statutes Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
TOWN OF ORO VALLEY, acting by and through its Town Council,
(the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The Town is empowered by Arizona Revised Statutes
Section 48-572 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the Town.

3. It is to the mutual advantage of the State and the
Town to landscape certain areas within the right of way on US
Highway 89 at the following location:

From centerline roadway station 523+65 to
centerline roadway station 573+00, a net
distance of approximately 0.25 mile.

NO. <u>14141</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>8-18-89</u>
<u>Don Sherman</u> Secretary of State
By <u>B. Wermillion</u>

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will prepare plans for the landscaping and irrigation project and submit them to the Town for approval.

2. After Town approval of the plans, the project will be constructed by the State, using State funds. Upon completion of the work, the Town shall reimburse the State \$20,924.36.

3. The Town shall furnish all water for landscape installation during the construction phase, and all water hereafter necessary to properly maintain the landscape, all at Town expense.

4. After construction, the Town shall maintain the landscaping and irrigation system within the right of way.

5. The Town hereby agrees to maintain the landscaping and irrigation system as it was designed and approved by the State; and the Town will not make any changes, additions or deletions without written approval by the State. All maintenance work shall be conducted in a manner to minimize traffic congestion and interference with through traffic. All traffic control will meet the requirements of the State's "Uniform Traffic Control Requirements."

III. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State.

2. The terms, conditions and provisions of this agreement shall remain in full force and effect for a period of one (1) year from the effective date, unless terminated earlier by mutual consent of the parties hereto or unless this agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. This agreement will be automatically renewed for successive periods of one (1) year unless either party shall give notice in writing to the other not less than one (1) month, nor more than three (3) months prior to the initial or renewed expiration date. Further, this agreement may be terminated by either party at anytime upon the giving of 60 days written notice.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

Town Manager
Town of Oro Valley
10900 N. Stallard Pl., Suite 100
Oro Valley, AZ 85737


7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

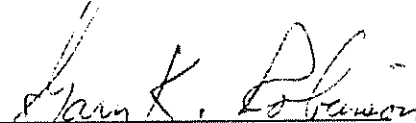
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF ORO VALLEY

STATE OF ARIZONA

Department of Transportation

By 
E.S. "STEVE" ENGLE
Mayor

By 
GARY K. ROBINSON
Chief Deputy State Engineer

Attest: 
KATHRYN CUVELIER
Town Clerk

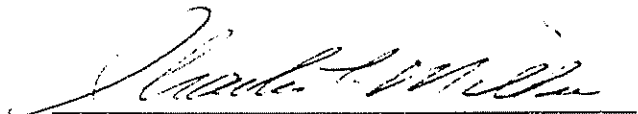
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ECS File: JPA-88-47
Project: F-031-1-519
Section: Linda Vista Road-
Desert Sky Road

RESOLUTION

BE IT RESOLVED on this 7th day of July, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the Town of Oro Valley for the Town to maintain landscaping on certain State highways.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

RESOLUTION NO. (R)89-18

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE ARIZONA DEPARTMENT OF TRANSPORTATION PROVIDING FOR THE MAINTENANCE OF LANDSCAPE AND IRRIGATION WITHIN THE MEDIAN OF ORACLE ROAD (U.S.89) BETWEEN LINDA VISTA BLVD. AND DESERT SKY ROAD

WHEREAS, it is to the mutual advantage of the State of Arizona and the Town of Oro Valley to landscape certain median areas within the right-of-way of Oracle Road (U.S. 89) between Linda Vista Blvd. and Desert Sky Road and,

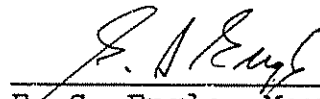
WHEREAS, it is necessary to provide for the maintenance of said landscaping and associated irrigation system, and

WHEREAS, the Town is authorized pursuant to ARS 11-942 to enter into intergovernmental agreements,

NOW, THEREFORE, BE IT RESOLVED:

1. That the attached intergovernmental agreement labeled as Exhibit "A" is hereby approved.
2. That the Mayor of Oro Valley and administrative officials are hereby authorized to execute any and all documents necessary to enter into the intergovernmental agreement with the Arizona Department of Transportation.

PASSED AND ADOPTED by the Town Council of the Town of Oro Valley this 10th day of May, 1989.




E. S. Engle, Mayor

ATTEST:



Kathryn E. Cuvelier, Town Clerk

APPROVED AS TO FORM:




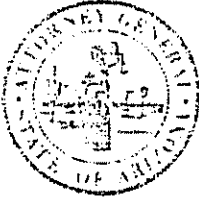
Gary D. Kidd, Town Attorney

DECLARATION OF THE TOWN ATTORNEY

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, STATE OF ARIZONA, and the TOWN OF ORO VALLEY and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 5th day of July, 1989.

By 
Gary D. Kidd
Town Attorney



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR 88-1728-TRD is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 11 day of August, 1989.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division